

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF NEBRASKA**

JAMES BILELLO,)	CASE NO. 8:08CV433
)	
Plaintiff,)	
)	
vs.)	ORDER
)	
PHIL SHEAR, et al.,)	
)	
Defendants.)	

This matter is before the Court on the following motions: the Plaintiff's motions for a new trial (Filing No. 42) and leave to file a brief out of time (Filing No. 43); and the Defendants' objection to Filing No. 43 (Filing No. 44).

The Plaintiff asks the Court to revisit its decision granting the Defendants' motion for summary judgment (Filing Nos. 40, 41). The Court declines to do so, and therefore the motion for a "new trial" is denied on the merits.

IT IS ORDERED:

1. The Plaintiff's motion for a new trial (Filing No. 42) is denied;
2. The Plaintiff's motion for leave to file a brief out of time (Filing No. 43) is denied as moot; and
3. The Defendants' objection (Filing No. 44) is denied as moot.

DATED this 3rd day of November, 2009.

BY THE COURT:

s/Laurie Smith Camp
United States District Judge